

## House File 263 - Introduced

HOUSE FILE 263

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### A BILL FOR

1 An Act requiring regulatory analysis for new administrative  
2 rules regarding the impact of the rules on small business.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 15.104, Code 2011, is amended by adding  
2 the following new subsection:

3 NEW SUBSECTION. 9. Adopt rules to implement the  
4 requirements of section 17A.4A, subsection 1, paragraph "b".  
5 The adopted rules shall define a process by which an agency can  
6 determine whether a proposed rule may have a substantial impact  
7 on small business.

8 Sec. 2. Section 17A.4A, subsections 1, 4, and 5, Code 2011,  
9 are amended to read as follows:

10 1. a. An agency shall issue a regulatory analysis of  
11 a proposed rule that complies with subsection 2, paragraph  
12 "a", if, within thirty-two days after the published notice of  
13 proposed rule adoption, a written request for the analysis is  
14 submitted to the agency by the administrative rules review  
15 committee or the administrative rules coordinator. If a rule  
16 has been adopted without prior notice and an opportunity for  
17 public participation in reliance upon section 17A.4, subsection  
18 3, the written request for an analysis that complies with  
19 subsection 2, paragraph "a", may be made within seventy days of  
20 publication of the rule.

21 b. An agency shall issue a regulatory analysis of a proposed  
22 rule that complies with subsection 2, paragraph "b", if the  
23 rule would have a substantial impact on small business ~~and if,~~  
24 ~~within thirty-two days after the published notice of proposed~~  
25 ~~rule adoption, a written request for analysis is submitted to~~  
26 ~~the agency by the administrative rules review committee, the~~  
27 ~~administrative rules coordinator, at least twenty-five persons~~  
28 ~~signing that request who each qualify as a small business~~  
29 ~~or by an organization representing at least twenty-five~~  
30 such persons, as determined by the agency pursuant to rules  
31 adopted by the economic development board pursuant to section  
32 15.104, subsection 9. The analysis shall be completed prior  
33 to publication in the Iowa administrative bulletin of notice  
34 of the intended action pursuant to section 17A.4, subsection  
35 1, paragraph "a". A concise summary of the analysis shall be

1 published in the Iowa administrative bulletin along with the  
 2 notice of intended action. If a rule has been adopted without  
 3 prior notice and an opportunity for public participation in  
 4 reliance upon section 17A.4, subsection 3, the ~~written request~~  
 5 ~~for an analysis that complies with subsection 2, paragraph~~  
 6 ~~"a" or "b", may be made~~ shall be issued within seventy days of  
 7 publication of the rule and a concise summary of the analysis  
 8 shall be published in the Iowa administrative bulletin.

9 4. Upon receipt by an agency of a timely request for a  
 10 regulatory analysis pursuant to subsection 1, paragraph "a",  
 11 the agency shall extend the period specified in this chapter  
 12 for each of the following until at least twenty days after  
 13 publication in the Iowa administrative bulletin of a concise  
 14 summary of the regulatory analysis:

15 a. The end of the period during which persons may make  
 16 written submissions on the proposed rule.

17 b. The end of the period during which an oral proceeding may  
 18 be requested.

19 c. The date of any required oral proceeding on the proposed  
 20 rule.

21 5. In the case of a rule adopted without prior notice and an  
 22 opportunity for public participation in reliance upon section  
 23 17A.4, subsection 3, the a summary pursuant to subsection 1,  
 24 paragraph "a", must be published within seventy days of the  
 25 request.

26 Sec. 3. Section 17A.33, Code 2011, is amended to read as  
 27 follows:

28 **17A.33 Review by administrative rules review committee.**

29 The administrative rules review committee shall review  
 30 existing rules, as time permits, to determine if there are  
 31 adverse or beneficial effects from these rules. ~~The committee~~  
 32 ~~shall give a high priority to rules that are referred to it~~  
 33 ~~by small business as defined in section 17A.4A.~~ The review  
 34 of these rules shall be forwarded to the appropriate standing  
 35 committees of the house and senate.

1 EXPLANATION

2 Current law requires an agency proposing a new  
3 administrative rule that would have a substantial impact on  
4 small business, upon request of various interested entities,  
5 to conduct a regulatory analysis meeting certain criteria to  
6 determine the impact of the proposed rule on small business and  
7 how the impact can be reduced. This bill makes the requirement  
8 mandatory for all proposed administrative rules that would have  
9 a substantial impact on small business.

10 The bill directs the economic development board to adopt  
11 rules to define a process to determine whether a proposed rule  
12 may have a substantial impact on small business.